

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

REBECCA FRANCESCATTI, an individual,

Plaintiff,

v.

STEFANI JOANNE GERMANOTTA, an  
individual, a.k.a. "Lady Gaga," INTERSCOPE  
RECORDS, UNIVERSAL MUSIC GROUP,  
INC., DJ WHITE SHADOW, LLC, and  
BRIAN JOSEPH GAYNOR, an individual,

Defendants.

Case No. 1:11-cv-5270

JURY TRIAL DEMANDED

Judge Blanche M. Manning  
Mag. | Judge Jeffrey T. Gilbert

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**REPORT OF PARTIES' PLANNING MEETING**

1. **Meeting.** Pursuant to Fed.R.Civ.P. 26(f), a meeting was held on November 8, 2011 by telephone conference call, at the offices of the respective parties' counsel and was attended by:

a. On behalf of Plaintiff, Rebecca Francescatti:

William L. Niro  
Christopher W. Niro  
NIRO, HALLER & NIRO

b. On behalf of Defendant, Stefani Joanne Germanotta:

Sandra A. Crawshaw-Sparks  
Dolores F. DiBella  
PROSKAUER ROSE LLP

c. On behalf of UMG Recordings, Inc. (Universal Music Group, Inc. and

Interscope Records):

Andrew H. Bart  
JENNER & BLOCK LLP

d. On behalf of DJ White Shadow, LLC:

Elvis D. Gonzalez  
Elvis Gonzalez, Ltd.

e. On behalf of Brian Joseph Gaynor:

Bryan E. Curry  
BULLARO & CARTON PC

2. **Initial Disclosures.** The parties will exchange by December 2, 2011 the Initial Disclosures required by Rule 26(a)(1).

The Parties' First Sets of Interrogatories and Document Requests are to be served by December 31, 2011. Responses to those Interrogatories and Document Requests are due January 30, 2012. Depositions are to be scheduled and taken beginning February 1, 2012 and completed by May 30, 2012.

3. **Amended Pleadings.** The deadline for amending pleadings shall be December 31, 2011.

4. **Pre-Trial Schedule.** The parties jointly propose to the Court the following phased discovery plan:

a. In the first phase, discovery will be needed on the following subjects:

(1) Plaintiff will seek discovery in connection with:

(a) The alleged independent creation, composition and writing of the song "Judas" by Stefani Germanotta and Nadir Khayat d/b/a Red One.

(b) The involvement of Stefani Germanotta in the creation, composition, writing, recording and performance of the song "Judas."

- (c) The involvement of DJ White Shadow, LLC in the creation, composition, writing, recording and performance of the song "Judas."
  - (d) The involvement of Paul Blair in the creation, composition, writing, recording and performance of the song "Judas."
  - (e) The involvement of Bryan Gaynor in the creation, composition, writing, recording and performance of the song "Juda" and the Defendants' song "Judas."
  - (f) Terms of the business relationship between Stefani Germanotta and other Defendants, including Nadir Khayat d/b/a Red One.
  - (g) Writer/Publisher Agreements.
  - (h) Unit sales, gross revenue received, and royalty payments made to Stefani Germanotta from various sources for the song "Judas" and the album "Born This Way."
- (2) Defendants do not waive any right to object to the production of any document, tangible thing, information or witness identified in the section above by Plaintiff.

In the initial phase of liability discovery, Defendants will seek discovery on the following: documents, materials, and communications evidencing Defendant Germanotta's independent creation of "Judas"; documents, materials, and communications evidencing no involvement by Defendant Gaynor, Defendant DJ White Shadow, and/or Paul Blair in the creation, composition,

writing, and recording of the song “Judas”; documents and communications concerning or evidencing Plaintiff’s alleged authorship and/or creation of “Juda”; documents concerning and disputing Defendant Germanotta’s alleged access to “Juda”; documents concerning Plaintiff’s copyright registrations and renewals of registration, in the United States or any other country or jurisdiction, for “Juda”; documents and communications concerning use, ownership, licensing, publishing, reproduction, exploitation, display or distribution of “Juda”; documents and communications concerning Plaintiff’s first discovery of “Judas” and any objection thereto; documents and communications concerning any efforts by Plaintiff, or any efforts undertaken on Plaintiff’s behalf, to investigate, detect, learn about, monitor and/or remedy any alleged copyright infringement of “Juda”; documents concerning each instance in which “Juda” or any of Plaintiff’s Works have been the subject of a claim or litigation; documents and communications concerning any instance in which “Juda”, or media or materials embodying “Juda”, has/have been used, licensed, published, reproduced, exploited, displayed or distributed, without Plaintiff’s consent and/or without payment or credit to Plaintiff; and documents concerning Defendants’ affirmative defenses, including but not limited to, documents evidencing no musicological similarity between “Judas” and “Juda”. Defendants also intend to rely upon documents obtained

in discovery from other third-parties and/or documents generated or produced by any testifying expert retained by Plaintiff or Defendants, who will be separately identified in accordance with the Scheduling Order in this case. Defendants reserve their rights concerning discovery to be conducted on the damages phase of this case.

b. All liability fact discovery commenced in time to be completed by May 30, 2012. All liability expert discovery commenced in time to be completed by July 16, 2012, on the schedule outlined in Paragraph 4(d) below.

c. Plaintiff expects to take at least four to six depositions.

Defendants expect to take at least seven to ten depositions.

d. Liability expert discovery will commence during fact discovery period.

Reports from retained liability experts under Rule 26(a)(2) due:

- (1) Liability expert reports from plaintiff by April 16, 2012.
- (2) Rebuttal liability expert reports from defendants by May 15, 2012.
- (3) Reply liability expert reports from plaintiff by May 30, 2012.
- (4) Reply liability expert reports from defendants by June 15, 2012.
- (5) Deposition of liability experts to be completed by July 16, 2012.

e. Damage discovery and pretrial dates shall be set after decision on dispositive motions.

5. **Dispositive Motions.** All potentially dispositive motions on liability to be filed by August 15, 2012.

6. **Settlement.** The parties believe that settlement discussions will be most productive after initial discovery responses are received and documents are produced by the

parties. The parties agree to maintain an open dialogue on settlement possibilities and will seek assistance of the Court when deemed necessary.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on November 21, 2011, the foregoing

**REPORT OF PARTIES' PLANNING MEETING**

was filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following counsel of record.

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